

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Commission, on	)	Application No. C-3012
its own motion, seeking to	)	
conduct a critical cost analysis	)	
for Aliant Communications Co.,	)	ORDER OPENING CRITICAL COST
d/b/a ALLTEL as a result of the	)	ANALYSIS PROCEEDING
Nebraska Technology & Telecom-	)	
munications, Inc. and ALLTEL	)	
arbitration conducted in	)	
Application No. C-2648.	)	Entered: September 23, 2003

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

On August 1, 2001, Nebraska Technology & Telecommunications, Inc. (NT&T) filed a bona fide request with Aliant Communications Co, d/b/a ALLTEL (ALLTEL) requesting negotiations under §§ 252(a) and (b) of the Telecommunications Act of 1996 (the Act).

On January 7, 2002, NT&T filed a Petition for Arbitration with the Commission, pursuant to § 252(b) of the Act, seeking arbitration with ALLTEL as to the issues unresolved through negotiations. The arbitration proceeding was docketed as Application No. C-2648.

The Commission exercised its jurisdiction in accordance with the Commission's Mediation and Arbitration Policy, established in Application No. C-1128, Progression Order No. 3, dated April 8, 1997 (Arbitration Policy), and Neb. Rev. Stat § 86-122, and appointed Laura K. Davenport as Arbitrator.

Arbitrator Davenport, in accordance with the Arbitration Policy, entered her final decision on February 26, 2003, finding in favor of ALLTEL on each of the six open issues.

On April 15, 2003, the Commission conducted a post-arbitration hearing to review the final arbitrated interconnection agreement. On May 20, 2003, the Commission entered its order approving the interconnection agreement as modified. However, the Commission concluded that it was necessary to commence its own critical cost analysis of the proposed rates, which were set forth therein.

Therefore, the Commission hereby opens the above-captioned proceeding to commence the critical cost analysis for ALLTEL as described below. In this proceeding, the Commission intends to address the following issues:

1. Determine the appropriate rates associated with the provisioning of telephone directories.
2. Determine the appropriate rates at which ALLTEL must provide unbundled network elements (UNEs), including unbundled network elements-platform (UNE-P).
3. Determine appropriate nonrecurring rates for ALLTEL.

In an effort to make the determinations outlined above, the Commission and its staff intend to work with both ALLTEL and NT&T to review the methodologies and inputs utilized within the arbitration proceeding. The Commission, and its staff, may request, as necessary, additional information and data not originally contemplated in the arbitration proceeding. Furthermore, the Commission may consider the creation of rate zones in accordance with Federal Communications Commission (FCC) rules and regulations. To that end, Commission staff is hereby directed to coordinate with both ALLTEL and NT&T to timely facilitate this review.

Once Commission staff has completed its preliminary review, the Commission will hold a workshop to further evaluate the issues outlined above. At the conclusion of the workshop, the Commission staff will prepare a recommendation to the Commission for its consideration.

Prior to entering a final decision on the issues outlined above, the Commission will receive evidence on the issues from the parties and Commission staff at a public hearing. Once a final decision is rendered, the Commission will direct that ALLTEL and NT&T incorporate the Commission's findings into the interconnection agreement, previously approved on an interim basis in Application No. C-2648, on a going-forward basis.<sup>1</sup>

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<sup>1</sup> In the Matter of the Application of Nebraska Technology & Telecommunications, Inc., for arbitration of the interconnection rates, terms and conditions with Aliant Communications Co., d/b/a ALLTEL, Application No. C-2648, (May 20, 2003).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned proceeding be commenced and a determination made on the issues set forth herein.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of September, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director